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10/726,471	12/02/2003	Toshihiro Shima	MIPFP068	5855

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EXAMINER
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MCCOMMAS, BRENDAN N

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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04/16/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/726,471	<b>Applicant(s)</b> SHIMA, TOSHIHIRO	
	<b>Examiner</b> BRENDAN MCCOMMAS	<b>Art Unit</b> 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-17,19,20,22,23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-17,19,20,22,23 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/26/2009</u> .   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/20/2008 has been entered.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. **Claim 20** is rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al. (U.S. Patent Publication 2002/0065940), hereinafter referenced as Suzuki..
2. **Regarding claim 20**, Suzuki discloses a device control method that controls a device connecting with a network, said device control method comprising the steps of:
3. activating a timer included in said device (by means of a control unit 4) to measure elapse of a time period, as disclosed in [0069] and exhibited in figure 3;
4. communicating with another apparatus connecting with the network to provide a specified service, as disclosed in [0018];
5. acquiring an absolute time (global time) point from said another apparatus in the process of communication, as disclosed in [0070]-[0071]; and
6. setting the absolute time point as a base time point for specifying each time point, based on a measurement result of said timer (synchronizing the times and the base time point), as disclosed in [0070]-[0071].

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. **Claim 1-3, 5-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekizawa (U.S. Patent 6,604,212) further in view of Mallory et al. (United States Patent Publication 2002/0006136) hereinafter referenced as Mallory.

9. **Regarding claim 1**, Sekizawa discloses a system and method for monitoring the state of a plurality of machines connected via a computer network. In addition Sekizawa discloses a device that is connected with a network, comprising:

10. a timer (monitor section 17) that measures elapse of a time period, as disclosed in column 21, lines 39-44 and exhibited in figure 3.

11. a network communication module (12) that communicates with another apparatus connecting with the network to provide a specified service, as disclosed in column 17, lines 19-28 and exhibited in figure 3.

12. However Sekizawa fails to explicitly disclose, a time acquisition module that acquires an absolute time point from said another apparatus in the process of communication; and

13. a base time setting module that sets the absolute time point as a base time point for specifying each time point at each time point being specified based on the elapsed time measured by the base time point.

14. However it would have been obvious to one of ordinary skill in the art to include such a modification to the invention of Sekizawa, as taught by Mallory. In a similar field of endeavor Mallory discloses a method for selecting an operating mode for frame based communications. In addition Mallory discloses a time acquisition module that

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acquires an absolute time point from said another apparatus in the process of communication, as disclosed in [0400]; and

15. a base time setting module that sets the absolute time point as a base time point for specifying each time point at each time point being specified based on the elapsed time measured by the base time point, as disclosed in [0406]. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include such a modification to the invention of Sekizawa for the purpose of allowing a communications system to operate within a cable modem network, as disclosed in Mallory [0009]-[0010].

16. **Regarding claim 2**, Sekizawa and Mallory disclose everything claimed as applied above (see claim 1) In addition Sekizawa discloses a device that is connected with a network, further comprising:

17. a log recording module (12a and 30 the combination) that records a log, which represents a working status of said device and is mapped to elapsed time measured by the timer and the base time, as disclosed in column 28, lines 51 – 67 and column 29, lines 1-7.

18. wherein said network communication module transmit the log to a predetermined server 19 via the network, as disclosed in column 32, lines 10-28;

19. However Sekizawa fails to explicitly disclose, that the time acquisition module acquires the absolute time point from said predetermined server in the course of transmission.

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20. However it would have been obvious to one of ordinary skill in the art to include such a modification to the invention of Sekizawa, as taught by Mallory. In a similar field of endeavor Mallory discloses a method for selecting an operating mode for frame based communications. In addition Mallory discloses that the time acquisition module acquires the absolute time point from said predetermined server in the course of transmission, as disclosed in [0405]-[0406] and [0445]-[0450].

21. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include such a modification to the invention of Sekizawa for the purpose of allowing a communications system to operate within a cable modem network, as disclosed in Mallory [0009]-[0010].

22. **Regarding claim 3**, Sekizawa and Mallory disclose everything claimed as applied above (see claim 2) In addition Sekizawa discloses a device that is connected with a network,

23. wherein said log recording module corrects the elapsed time by taking into account a time interval specified from absolute times acquired more than once and a measurement result of said timer corresponding to the specified time interval, and records the log, as disclosed in column 29, lines 1-7.

24. **Regarding claim 5**, Sekizawa and Mallory disclose everything claimed as applied above (see claim 2) In addition Sekizawa discloses a device wherein the network communication module transmits the log with an address dynamically allocated to said device via the network, as disclosed in column 21, lines 17-29.

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25. **Regarding claim 6**, Sekizawa and Mallory disclose everything claimed as applied above (see claim 2) In addition Sekizawa discloses a device that is connected with a network further comprising:

26. a working status detection module 11 that outputs a continuously varying working status of said device as a discretely varying parameter value,

27. wherein said log recording module records the log at a specific time interval shorter than a minimum time interval that causes the discrete variation, as disclosed in column 22, lines 4-19.

28. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sekizawa (U.S. Patent 6,604,212) further in view of Mallory et al. (United States Patent Publication 2002/0006136) hereinafter referenced as Mallory, further in view of known prior art.

29. **Regarding claim 4**, Sekizawa and Mallory disclose everything claimed as applied above (see claim 1) However Sekizawa fails to disclose a device wherein a time interval of transmitting the log is longer than a time interval of recording the log.

However, the examiner takes official notice of the fact that it was well known in the art to provide a device wherein a time interval of transmitting the log is longer than a time interval of recording the log.

30. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Sekizawa** by specifically providing a device wherein a time interval of transmitting the log is longer than a time interval of recording the log for the purpose of more quickly sending out the log for the user to view.



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31. **Claims 9-17, 19-20, 22-23 and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sekizawa (U.S. Patent 6,604,212), in view of Mallory et al. (United States Patent Publication 2002/0006136) hereinafter referenced as Mallory, further in view of Suzuki et al. (U.S. Patent Publication 2002/0065940), hereinafter referenced as Suzuki.

32. **Regarding claim 9**, Sekizawa and Suzuki disclose everything claimed as applied above (see claim 1) In addition Sekizawa discloses a management server (130 132 and 138 the combination) that manages a working status of a device connected with a network, as disclosed in column 33, lines 40-50 and exhibited in figure 27, said management server comprising:

33. a log holder module 23 that holds the log (series of data related to the printer) which has a quantitative parameter value relating to the to the working status of said device as a log in a time series, as disclosed in column 34, lines 26-35;

34. However Sekizawa fails to disclose a variation output module that, in response to a reset of the parameter value by an operation of said device, adds a parameter value after the reset to a parameter value immediately before the reset and outputs a time-based variation in working status of said device over the reset, based on a result of the addition. However it would have been obvious at the time of the invention to include such a modification, as taught by Suzuki.

35. In a similar field of endeavor, Suzuki discloses a periodic control synchronous system. In addition, Suzuki discloses that in response to a reset of the time (a parameter value) a controller outputs a new time which is a time based variation, based

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on the elapsed time of the reset and reads on claimed a variation output module that, in response to a reset of the parameter value by an operation of said device, adds a parameter value after the reset to a parameter value immediately before the reset and outputs a time-based variation in working status of said device over the reset, based on a result of the addition, as disclosed in [0088] and [0092].

36. Therefore it would have been obvious to one of ordinary skill in the art to include such a modification to the device of Sekizawa for the purpose of more quickly resetting the entire system while the time is still being kept accurately.

37. **Regarding claim 10**, Sekizawa and Suzuki disclose everything claimed as applied above (see claim 1) In addition Sekizawa discloses a device which outputs an image, as disclosed in column 20, lines 44-54. In addition Sekizawa discloses a device wherein:

38. said network communication module receives an output file, which is to be output from said device, as disclosed in column 32, lines 29-45; and

39. said time acquisition module receives the absolute time, which is attached to the output file received by said network communications module, as disclosed in column 32, lines 29-45;

40. However Sekizawa fails to explicitly disclose that the device outputs a sound.

However, the examiner takes official notice of the fact that it was well known in the art to have a sound outputted by a network device.

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41. Therefore it would have been obvious to one of ordinary skill in the art to include that modification to the device of Sekizawa for the purpose of alerting the user to the status of the device itself.

42. However Sekizawa fails to disclose a device wherein:

43. said timer measures a time period since a power ON time of said device;

44. However the examiner maintains it would have been obvious to anyone skilled in the art at the time of the invention for the device to include,

45. a timer which measures a time period since a power ON time of said device, as taught by Suzuki.

46. Suzuki discloses a device which contains:

47. a timer which measures a time period since a power ON time of said device, as disclosed in [0088];

48. Therefore it would be obvious to one skilled in the art to include such a modification to the device of Sekizawa for the purpose of relating the total up-time of the device back to the management server.

49. **Regarding claim 11**, Suzuki and Sekizawa disclose everything claimed as applied above (see claim 10) In addition Sekizawa discloses a device wherein said time acquisition module receives a latest update time of the output file, which is received by said network communication module, as the absolute time point, as disclosed in column 32, lines 29-45. In addition claim 11 is rejected for similar reasons as set forth in the rejection of claim 1.

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50. **Regarding claim 12**, Suzuki and Sekizawa disclose everything claimed as applied above (see claim 10) In addition Sekizawa discloses a device wherein said time acquisition module receives a latest update time of the output file, which is received by said network communication module, as the absolute time, as disclosed in column 32, lines 29-45. In addition claim 12 is rejected for similar reasons as set forth in the rejection of claim 1.

51. **Regarding claim 13**, Suzuki and Sekizawa disclose everything claimed as applied above (see claim 11) In addition Sekizawa discloses a device wherein the output file is transmitted to said device via a predetermined file server, and the latest update time represents an absolute time when said predetermined file server has received the output file, as disclosed in column 44, lines 35-52. In addition claim 13 is rejected for similar reasons as set forth in the rejection of claim 1.

52. **Regarding claim 14**, Suzuki and Sekizawa disclose everything claimed as applied above (see claim 10) However Sekizawa fails to explicitly disclose a device wherein the absolute time is in the output file. However, the examiner takes official notice of the fact that it was well known in the art to have the absolute time included in the output file, as taught by Suzuki, and disclosed in [0008].

53. Therefore it would have been obvious to one of ordinary skill in the art to include the absolute time in the file used by the device of Sekizawa for the purpose of alerting the user to the status/time of the device itself. In addition claim 14 is rejected for similar reasons as set forth in the rejection of claim 1.

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54. **Regarding claim 15**, Suzuki and Sekizawa disclose everything claimed as applied above (see claim 1) In addition Sekizawa discloses a device which does not contain a built-in real time clock which works even in a power OFF state of said device, but that the device receives the time from a log file, as disclosed in column 22, lines 14-18 and column 27, lines 1-9.

55. **Regarding claim 16**, Suzuki and Sekizawa disclose everything claimed as applied above (see claim 1) In addition Sekizawa discloses a device further comprising:

56. a time specification module that adds the measurement result of said time to the base time and thereby specifies a time at each time point, as disclosed in column 23, lines 4-15,

57. However Sekizawa fails to disclose a device wherein said base time setting modules resets said timer to zero and updates the base time, in response to acquisition of the absolute time. However, it was well known in the art to have a device wherein said base time setting modules resets said timer to zero and updates the base time, in response to acquisition of the absolute time as taught by Suzuki,

58. In a similar field of endeavor Suzuki, discloses a device wherein said base time setting modules resets said timer to zero and updates the base time, in response to acquisition of the absolute time and disclosed in claim 12.

59. Therefore it would have been obvious to one of ordinary skill in the art to include the modifications of Suzuki in the device of Sekizawa for the purpose of alerting the user to the status/time of the device itself. In addition claim 16 is rejected for similar reasons as set forth in the rejection of claims 1 and 3.

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60. **Regarding claim 17**, Suzuki and Sekizawa disclose everything claimed as applied above (see claim 1) In addition Sekizawa discloses a device wherein said timer is activated at a power ON time of said device and counts a time period since the power ON time as a relative time, as exhibited in figure 24.

61. said network communication module transmits data collected by said device as a report file to a reporting address server, as disclosed in column 44, lines 26-45 and

62. However Sekizawa fails to disclose a device wherein said time acquisition module receives the absolute time from said reporting address server, while said network communication module transmits the report file to said reporting address server. However, it was well known in the art to have a device wherein said time acquisition module receives the absolute time from said reporting address server, while said network communication module transmits the report file to said reporting address server, as taught by Suzuki,

63. In a similar field of endeavor Suzuki, discloses a device wherein an acquisition module receives the absolute time or global time from the reporting address server, while the network communication module transmits the report file to the reporting address server, as disclosed in the abstract.

64. Therefore it would have been obvious to one of ordinary skill in the art to include the modifications of Suzuki in the device of Sekizawa for the purpose of alerting the user to the status/time of the device itself and having the time be more accurately kept from an outside source. In addition claim 17 is rejected for similar reasons as set forth in the rejection of claim 1.

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65. **Regarding claim 19**, Suzuki and Sekizawa disclose everything claimed as applied above (see claim 1) In addition Sekizawa discloses a device that creates a print file and a printer which connects with the device, as disclosed in column 46 lines 53-56. In addition Sekizawa teaches the relative timer is started (included in the most recent status information) when the print file/information is received, as disclosed in column 26, lines 40-65 and column 29, lines 27-31. However Sekizawa fails to explicitly disclose a device wherein a print file generation module that creates the print file as a print job. However, the examiner takes official notice of the fact that it was well known in the art to provide a device wherein a print file generation module that creates the print file as a print job.

66. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Sekizawa** by specifically providing a device wherein a print file generation module that creates the print file as a print job for the purpose of placing every piece of relevant information into the file and sending it to the printer.

67. However Sekizawa fails to explicitly disclose a device wherein an absolute time information generation module that generates information on an absolute time at a time point when the print file is created. However, it was well known in the art to have a device wherein an absolute time information generation module generates information on an absolute time at a time point when the print file is created as taught by Suzuki,

68. In a similar field of endeavor Suzuki, discloses a device wherein an absolute time information generation module generates information on an absolute time (global time)

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at a time point when the print file (or packet) is created, as disclosed in [0022] and [0035].

69. Therefore it would have been obvious to one of ordinary skill in the art to include the modifications of Suzuki in the device of Sekizawa for the purpose of alerting the user of a more correct time concerning the use of the printer.

70. In addition Suzuki discloses a transmission module 14 that transmits the created print file (or packet) and the generated information on the absolute time (global time) to said printer (or device), as disclosed in [0035] and exhibited in figure 21.

71. Therefore it would have been obvious to one of ordinary skill in the art to include the modifications of Suzuki in the device of Sekizawa for the purpose of alerting the user of a more correct time concerning the use of the printer.

72. In addition Sekizawa discloses that the printer comprises:

73. a timer that is activated at a power ON time of said printer and counts a time period since the power ON time as a relative time, as exhibited in figure 24;

74. a network communication module that receives the print file transmitted from said client, as disclosed in column 44, lines 26-45;

75. a time specification module that adds the measurement result of said time to the base time and thereby specifies a time at each time point, as disclosed in column 23, lines 4-15,

76. However Sekizawa fails to disclose a device wherein said time acquisition module receives the absolute time from said reporting address server, while said network communication module transmits the report file to said reporting address



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server, which is the used to base the absolute time and the elapsed time from the reception of the print file, the elapsed time being calculated using the relative time. However, it was well known in the art to have a device wherein said time acquisition module receives the absolute time from said reporting address server, while said network communication module transmits the report file to said reporting address server, as taught by Suzuki,

77. In a similar field of endeavor Suzuki, discloses a device wherein an acquisition module receives the absolute time or global time from the reporting address server, while the network communication module transmits the report file to the reporting address server, which is the used to base the absolute time and the elapsed time from the reception of the information, the elapsed time being calculated using the relative time as disclosed in the abstract.

78. Therefore it would have been obvious to one of ordinary skill in the art to include the modifications of Suzuki in the device of Sekizawa for the purpose of alerting the user to the status/time of the device itself and having the time be more accurately kept from an outside source. In addition claim 19 is rejected for similar reasons as set forth in the rejection of claim 1.

79. **Regarding claim 22**, Suzuki and Sekizawa disclose everything claimed as applied above (see claim 20). In addition claim 22 is interpreted and rejected for the reasons set forth in the rejection of claim 9. Claim 9 describes an apparatus, and claim 22 describes the method implemented by the apparatus. Thus claim 22 is rejected.

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80. **Regarding claim 23**, Suzuki and Sekizawa disclose everything claimed as applied above (see claim 20) In addition claim 23 is interpreted and rejected for the reasons set forth in the rejection of claim 20. Claim 20 describes a method, and claim 23 describes a computer readable medium implementing the method. Thus claim 23 is rejected.

81. **Regarding claim 25**, Suzuki and Sekizawa disclose everything claimed as applied above (see claim 23) In addition claim 25 is interpreted and rejected for the reasons set forth in the rejection of claim 22. Claim 22 describes a method, and claim 25 describes a computer readable medium implementing the method. Thus claim 25 is rejected.

### ***Response to Arguments***

78. Applicant's arguments filed 01/26/2009 have been fully considered but they are Moot on the new grounds of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRENDAN MCCOMMAS whose telephone number is (571)270-3575. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Haskins can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Brendan N. MCommas/  
Examiner, Art Unit 2625

/B. M./  
Examiner, Art Unit 2625

/Twyler L. Haskins/  
Supervisory Patent Examiner, Art Unit 2625